





Kentucky Department of Education  
Division of School and Community Nutrition



# \*What Is Discrimination?

**Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by actions or lack of actions based on the six protected classes.**





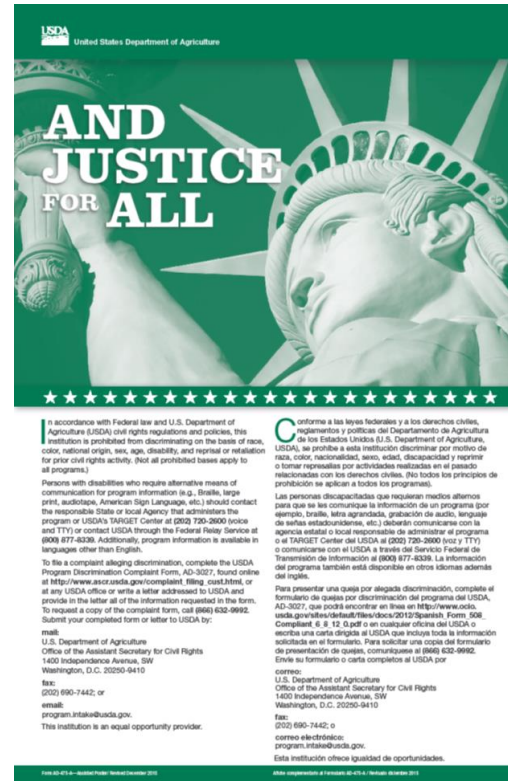
- ▶ ☐ Limited English Proficiency
- ▶ ☐ Equal Opportunity for Religious Organizations
- ▶ ☐ Reasonable Accommodations
- ▶ ☐ Public Notification
- ▶ ☐ Assurances
- ▶ ☐ Civil Rights Training
- ▶ ☐ Data Collection and Reporting
- ▶ ☐ Compliance Reviews
- ▶ ☐ Resolution of Non-Compliance
- ▶ ☐ Complaints of Discrimination
- ▶ ☐ Processing Civil Rights Complaints/Conflict Resolution and Customer Service

# FNS – 113: Civil Rights Compliance

# \*What Is a Protected Class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.  
Protected classes in **Child Nutrition Programs** are:

- Race
- Color
- National Origin
- Age
- Sex
- Disability.



# \*Goals of Civil Rights



- **Equal treatment for all applicants and beneficiaries**
- **Knowledge of rights and responsibilities**
- **Elimination of illegal barriers that prevent or deter people from receiving benefits**
- **Dignity and respect for all**



\*Data Collection



# \*Data Collection and Reporting

**Sites need to establish a system to collect racial and ethnic data.**

**Self-identification preferred; for example, on the household application.**

**Alternatively, staff can make an observation of ethnicity and race.**





## \*Data Collection and Reporting (continued)

### **Why do I have to collect racial and ethnic data?**

*The data is used to determine how effectively your program is reaching potentially eligible children and where outreach may be needed.*

### **How long do I have to keep the data?**

- ▶ *Three years plus the current year*
- ▶ *Data should be kept secure and confidential*





One Racial/Ethnic Data Collection Collected for Each Site, Once a Summer.

Two Different Collections:

1. Ethnic
2. Racial

### Summer Food Service Program Racial/Ethnic Data Collection Form

Sponsor ID # \_\_\_\_\_ Sponsor Name \_\_\_\_\_

Site ID # \_\_\_\_\_ Site \_\_\_\_\_

Address \_\_\_\_\_

Site Supervisor \_\_\_\_\_

#### Racial and Ethnic Categories

Ethnic Categories	Number of Participating Children
Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic" or "Latino".	
Non-Hispanic or Latino	
Total Participating Children	

Racial Categories	Number of Participating Racial Categories
American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.	
Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent, including, for example, Cambodia, China, Indian, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.	
Black or African American. A person having origins in any of the black racial groups of Africa.	
Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.	
White. A person not having origins in any of the original peoples of Europe, the Middle East or North Africa.	
Total Participating Racial Categories	

Monitor's Signature \_\_\_\_\_

Date \_\_\_\_\_

#### Instructions for Completing the Racial or Ethnic Data Form

- The Sponsor should complete this form for each site under its jurisdiction each year. Sponsors of residential camps must collect this information for each camp session. For all other sites, the sponsor must count the participating children at least once during the site's operation.
- The sponsor may use visual identification to determine a participant's racial or ethnic category or the parents of a participant may be asked to identify the racial or ethnic group of their child (opp). A participant may be included in the group that he/she appears to belong, identifies with, or is regarded as a member by the community.
- To provide flexibility and ensure data quality, separate categories shall be used when collecting and reporting race and ethnicity. Ethnicity shall be collected first. Respondents shall be offered the option of selecting one or more racial designations.
- The sponsor must retain racial or ethnic data, as well as documentation for the data for three years and must safeguard this information to prevent its use for discriminatory purposes. Access to the program records containing racial or ethnic data should be limited to authorized personnel.

# *Ethnic Racial Data Activity*



# \*Outreach and Education Are Important Because:

- You want to reach as many potential participants as possible
- You want to ensure program access
- You need to pay attention to under-represented groups
- You need to ensure information is available in other languages as needed





\*Public Notification



# The USDA And Justice for All Poster

- Prominently display this poster in the food service area so it is visible to participants. You may post a smaller 8 ½ X 11 poster if you do not have an original.



USDA  
United States Department of Agriculture

## AND JUSTICE FOR ALL

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In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.asc.usda.gov/complaint\\_filing\\_cust.html](http://www.asc.usda.gov/complaint_filing_cust.html), or at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

fax:  
(202) 690-7442; or

email:  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

Conforme a las leyes federales y a los derechos civiles, reglamentos y políticas del Departamento de Agricultura de los Estados Unidos (U.S. Department of Agriculture, USDA), se prohíbe a esta institución discriminar por motivo de raza, color, nacionalidad, sexo, edad, discapacidad y represión o tomar represalias por actividades realizadas en el pasado relacionadas con los derechos civiles. (No todos los principios de prohibición se aplican a todos los programas).

Las personas discapacitadas que requieran medios alternos para que se les comunique la información de un programa (por ejemplo, braille, letra agrandada, grabación de audio, lenguaje de señas estadounidense, etc.) deberán comunicarse con la agencia estatal o local responsable de administrar el programa o el TARGET Center del USDA al (202) 720-2600 (voz y TTY) o comunicarse con el USDA a través del Servicio Federal de Transmisión de Información al (800) 877-8339. La información del programa también está disponible en otros idiomas además del inglés.

Para presentar una queja por alegada discriminación, complete el formulario de quejas por discriminación del programa del USDA, AD-3027, que podrá encontrar en línea en [http://www.oocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_506\\_Compliant\\_6\\_8\\_12\\_0.pdf](http://www.oocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_506_Compliant_6_8_12_0.pdf) o en cualquier oficina del USDA o escriba una carta dirigida al USDA que incluya toda la información solicitada en el formulario. Para solicitar una copia del formulario de presentación de quejas, comuníquese al (866) 632-9992. Envíe su formulario o carta completos al USDA por:

correo:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

fax:  
(202) 690-7442; o

correo electrónico:  
[program.intake@usda.gov](mailto:program.intake@usda.gov).

Esta institución ofrece igualdad de oportunidades.

Form AD-475-A—Revised Poster / Revisado Diciembre 2015

Atéste cumplimiento al Formulario AD-475-A / Revisado diciembre 2015



## Include non-discrimination statement on all materials that mention USDA programs (including websites.)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at:

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992

Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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\*Access to SFSP

# \*Limited English Proficiency



- Sponsors must ensure that individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English, still have access to the program.
- Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP).



# \*Reasonable Accommodation

## **ENSURE ACCESS FOR PEOPLE WITH DISABILITIES!**

- Parking lot, entrances and exits, halls, elevators, rest rooms, sign language interpreters, Braille signage, and service animals
- Alternative arrangements for service





# \*Reporting a Grievance

KENTUCKY DEPARTMENT OF EDUCATION  
Division of School and Community Nutrition  
Civil Rights Grievance Report Procedures

In accordance with FNS Instruction 113.1 the \_\_\_\_\_  
Sponsor/Sponsoring Organization provides a grievance procedure in the event a person believes he/she or their  
enrolled participant has been discriminated against and/or denied service on the basis of race, color, national origin,  
sex, age or disability in the food service program provided by the \_\_\_\_\_ Sponsor /  
Sponsoring Organization.

**GENERAL INSTRUCTIONS**

All complaints, written or verbal, alleging discrimination on the basis of race, color, national origin, sex, age or disability shall be processed within ninety (90) days of receipt in the manner prescribed in this instruction.

**Procedure for Filing Complaints of Discrimination**

**1. Right to File a Complaint**

Any person alleging discrimination based on race, color, national origin, sex, age or disability has a right to file a complaint within 180 days of the alleged discriminatory action. Under special circumstances this time limit may be extended.

**2. Acceptance**

All complaints, written or verbal, shall be accepted by the Division of Nutrition and Health Services and forwarded to the Southeast Regional Office (SERO)-USDA. It is necessary that the information be sufficient to determine the identity of the agency or individual toward which the complaint is directed, and to indicate the possibility of a violation. Anonymous complaints shall be handled as any other complaint.

**3. Verbal Complaints**

In the event that a complainant makes the allegation verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made shall write up the elements of the complaint for the complainant. Every effort shall be made to have the complainant provide the following information:

- Name, address, telephone number, or means of contacting the complainant.
- The specific location and name of the entity delivering the program, service, or benefit.
- The nature of the incident(s) or action(s) that led the complainant to believe discrimination was a factor.
- The basis on which the complainant feels discrimination exists (race, color, national origin, sex, age, disability)
- The names, telephone numbers, titles and addresses of the persons who may have knowledge of the alleged discriminatory action(s).
- The date(s) during which the alleged discriminatory action occurred, or if continuing, the duration of such actions.

**Civil Rights Grievance Report Form**

Attachment 1

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

If your grievance concerns a discriminatory action due to race, color, national origin, sex, age, or disability, please be very specific and give full details, including the date(s) of the occurrence. Please include the names, telephone numbers, titles and addresses of the persons who may have knowledge of the alleged discriminatory action(s).

State the reason(s) you are filing this grievance report.

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What response did you receive from the sponsor representative during the alleged occurrence?

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What results are you seeking from this communication?

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\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date





- Accept either verbal or written grievances.
- Keep Grievance Procedures and Report Forms at Every Site and Sponsor Office
- Once a civil rights grievance is issued or stated, never try to impede or try “work it out.”
- Turn in the grievance to the state agency within three days.





\*Scenarios: What  
Would You Do?



# Scenario #1

Through your data collection procedures, you recognized that even though the community is composed of a large Hispanic population (40 percent), only 2 percent of Hispanics are eligible for meal benefits.

*What outreach efforts would you take to increase Hispanic program participation?*



# \*Answer to Scenario #1

- Good job on data collection!
- Educational information or materials may be needed in other languages.
- Provide outreach to other programs in the area which serves the Hispanic population.
- There are many outreach efforts which could increase program participation.



# Scenario #2

**On occasion, the site will have seconds and will offer them to the boys in the group.**

***Is this practice discriminatory and if so on what basis?***



# **\*Answer to Scenario #2**

- **Yes, it is discriminatory. Even though SFSP staff may not intentionally be discriminating against anyone, they are discriminating based on sex.**
- **If seconds are going to be offered they need to be offered to everyone.**



# Scenario #3

**“Pizza Day” is the most popular day in SFSP. Near the end of lunch time three African-American boys come through the line and are told by site supervisor that the cafeteria is “out of pizza.” They can see two pieces of pizza remain.**

**Shortly thereafter, a Caucasian boy comes through the line and the school lunch employee gives him one of two remaining pieces of pizza. You ask the employee why he gave the Caucasian child a piece of pizza after he told the three African-American children the cafeteria was out. The employee tells you the Caucasian child is his neighbor and he promised the child he would save him a piece of pizza the next time it was served in the cafeteria.**

*Is this practice discriminatory?*



# **\*Answer to Scenario #3**

- **Even though the cafeteria worker probably thought they were just being nice and saving a piece of pizza for the neighbor boy, it definitely appears discriminatory.**
- **The two slices of pizza should go to the first two children through the line that ask for it.**



# Customer Service



Remember to be conscious to treat all participants and parents/guardians with dignity and respect.

Also ensure that:

- ▶ Each participant receives the same menu items in the same amounts ( Disclaimer: Toddlers may be served a smaller portion. Teens may be served a larger portion.)
- ▶ All participants are included in meals, snacks, activities, and discussions
- ▶ Participants with special needs will have their needs addressed based on the severity of the need
- ▶ Standards of behavior are not based on membership in a protected class



# Conflict Resolution

Skills can help staff provide good customer service and avoid potential civil rights complaints

- ▶ Avoid the desire to blame
- ▶ Have positive intent
- ▶ Communicate your feelings directly
- ▶ Improve relationships and increase communication
- ▶ Avoid repeating the situation





\*Civil Rights...It's  
Important, and It's Up to  
You! Treat Others As You  
Want to Be Treated!